

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES OF AMERICA

v.

JOSE ALEJANDRO BELMONTE CARDOZO,
a/k/a JOSE BELMONTE

Defendant.

Case No. 1:24-MJ-183

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND AN ARREST WARRANT**

I, David Shuffelton, a Special Agent with the Department of Homeland Security, Homeland Security Investigations, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I submit this affidavit in support of a criminal complaint and arrest warrant charging JOSE ALEJANDRO BELMONTE CARDOZO, aka JOSE BELMONTE, with knowing transportation of child pornography, in violation of 18 U.S.C. § 2252(a)(1) and (b)(1). For the reasons set forth below, I submit that probable cause exists to believe that on or about May 8, 2024, BELMONTE knowingly transported visual depictions of minors engaging in sexually explicit conduct from a foreign country into the Eastern District of Virginia.

2. I am a Special Agent with the U.S. Homeland Security Investigations (HSI), and I have been so employed since 2019. I am currently assigned to the Washington Field Office, and I have investigated crimes relating to child exploitation on the Internet. As part of my current duties as an HSI agent, I investigate criminal violations relating to child exploitation and child

pornography, including violations pertaining to illegal distribution, receipt, transportation, possession, and access with intent to view of child pornography, in violation of 18 U.S.C. § 2252. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography, as defined in 18 U.S.C. § 2256, including computer media. Through my experience and training, I can identify child pornography when I see it. I have training and experience in the enforcement of the laws of the United States, including the preparation, presentation, and service of subpoenas, affidavits, criminal complaints, search warrants, and arrest warrants. As a federal agent, I am authorized to investigate violations of laws of the United States and, as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States.

3. The facts and information in this affidavit are based upon my personal observations, my training and experience and information obtained from other agents and witnesses. This affidavit is intended to show simply that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all my knowledge about this matter.

STATUTORY AUTHORITY

4. I know that Title 18 U.S.C. § 2252(a)(1) and (b)(1) prohibits any person from knowingly transporting or shipping using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means including by computer or mails, any visual depiction if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

5. I also know that the term “minor” is defined in 18 U.S.C. § 2256(1) as any person under the age of 18 years.

6. “Sexually explicit conduct,” I know, is defined in 18 U.S.C. §2256(2) as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the anus, genitals, or pubic area of any person.

7. I know that the term “visual depiction” is defined in 18 U.S.C. § 2256(5) as undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

8. Moreover, I know that the term “child pornography,” is defined in 18 U.S.C. § 2256(8), as any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (a) the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

SUMMARY OF PROBABLE CAUSE

A. Encounter with BELMONTE at Dulles

9. On or about May 8, 2024, BELMONTE arrived at Dulles International Airport (Dulles), located within the Eastern District of Virginia, on Avianca flight #246 from Bogota, Colombia. Upon arrival, BELMONTE was referred to U.S. Customs and Border Protection (CBP) for secondary inspection.

10. Pursuant to their border search authority, CBP officers escorted BELMONTE into

the CBP secondary inspection area to search BELMONTE's baggage and person for contraband. CBP officers located an Apple iPhone 13 Pro Max (SN G2MD3474RL) (hereinafter, the "Personal iPhone") and an Apple iPhone 13 Pro (SN V45YJH4PPH) (hereinafter, the "Work iPhone") in BELMONTE's possession. BELMONTE voluntarily provided CBP officers with the passcodes to both of his iPhones.

11. CBP officers performed a manual search of the two iPhones and in so doing observed multiple videos that appeared to depict minors engaging in sexually explicit conduct. CBP officers notified HSI about the suspected child pornography and I responded to Dulles.

B. Manual Review of BELMONTE's Cell Phones

12. I conducted a manual inspection of BELMONTE's iPhones. Upon review of these two devices, I observed multiple images and videos that appeared to depict minors engaged in sexually explicit conduct. In addition, I observed approximately 50 videos that appeared to have been created on Snapchat, and which depicted 3 or 4 different minor girls between approximately 8 and 14 years old. In some of these videos, the girls engaged in sexually explicit acts.

13. For example, on BELMONTE's Personal iPhone, inside the Photos application, BELMONTE had a hidden folder, where I observed four videos depicting the same prepubescent girl engaged in sexually explicit conduct. The videos appeared to have been sent and received via Snapchat¹ on the Work iPhone, but recorded on a second device, presumably the Personal iPhone. I am familiar with the appearance and features of Snapchat based on my training and experience, and I recognize the border on the videos as consistent with how Snapchat videos appear in the

¹ Snapchat is an instant messaging application developed by Snap, Inc. One of the principal features of Snapchat is that pictures and messages are usually only available for a short time before they disappear. Snapchat users receive a notification when a viewer/recipient records or screenshots the creator's video or picture.

application. In addition, some of the apparent Snapchat videos display a username, which is also consistent with how Snapchat videos appear within the application.

14. The Snapchat videos included, for example,

- a. Video file IMG_1799, which depicted the female child removing her underwear, squatting in front of the camera, and showing her genitalia. The child appears to be approximately 10 to 12 years of age based on her undeveloped breasts and lack of pubic hair. Metadata for this video shows that it was created on the Personal iPhone on December 30, 2023.
- b. Video file IMG_1802, which depicted the same female child, bending over in front of the camera, showing her genitalia then turning around and showing her anus. Metadata for this video shows that it was created on the Personal iPhone on December 30, 2023.

15. In the same hidden folder on the Personal iPhone, I observed a video depicting another prepubescent girl, who appeared to be approximately 8 or 9 years old based on her physical features and undeveloped breasts. The video was created on the Personal iPhone on May 4, 2024, and depicts the little girl exposing her naked chest and genitals to the camera. The video appears to have been created on Snapchat. This video, like the ones described above in paragraphs 13 and 14, appeared to have been originally received on Snapchat on a different device, and then recorded via a second device. There were approximately 42 other videos stored on the Personal iPhone that were recorded on the same day within approximately 35 minutes of each other and that showed the same little girl in various stages of undress.

16. I also found a screen recording from the Snapchat application on the Personal iPhone that showed location information² for a Snapchat user, who appeared to be a minor. The screen recording was created on December 30, 2023, and shows the user click on the apparent minor female's Snapchat profile, then navigate to the minor's location and change the screen view from a map to a satellite map. This screenshot was saved in the hidden folder on the Personal iPhone.

17. On BELMONTE's Work iPhone, I observed a screen recording from the Snapchat application that showed location information for another apparent minor female. That screen recording was created on May 4, 2024. It shows the user navigate to the apparent minor's Snapchat profile, click on the location information, and then change the map to a satellite map that showed a residence. This screen recording was saved to the hidden folder on the Work iPhone.

18. Because both of BELMONTE's iPhones contained contraband (*i.e.*, child pornography) HSI detained them for further forensic examination.

C. Interview of BELMONTE

19. BELMONTE was escorted to an interview room in the CBP secondary inspection area. After being read his *Miranda* warnings, BELMONTE signed a waiver of his rights and agreed to speak with law enforcement. During this interview, BELMONTE stated he has been facing personal challenges since his grandfather's death approximately one year ago. According to BELMONTE, his grandfather was like a father to him, and BELMONTE has been struggling with his mental health since his passing. BELMONTE said meeting people on Snapchat has helped him cope. He acknowledged having "these things" on his phone was a "mistake" and that he was

² Snapchat allows users to share their location with their friends on the application. To find a friend's location, a user must click on the friend's profile.

“sorry.” BELMONTE stated that for approximately one year, he has worked as a project manager for a local painting business, where he regularly has access to people’s homes.

20. When I escorted BELMONTE out of Dulles, he made a spontaneous statement that he was sorry for what he had on his phone and that we had to look at “that stuff” on his iPhone. When we arrived at Alexandria Detention Center, BELMONTE stated again that he was “sorry you guys had to look at that stuff” on his iPhone.

CONCLUSION

Based on the forgoing, I submit that there is probable cause to believe that on or about May 8, 2024, JOSE ALEJANDRO BELMONTE CARDOZO, aka JOSE BELMONTE, knowingly transported visual depictions of minors engaging in sexually explicit conduct from a foreign country into the Eastern District of Virginia, in violation of 18 U.S.C. § 2252(a)(1) and (b)(1). I, therefore, respectfully request that a criminal complaint and arrest warrant be issued for BELMONTE.

Respectfully submitted,



David B. Shuffelton, Special Agent
Homeland Security Investigations

Subscribed and sworn to in accordance with Fed. R. Crim. P. 4.1
by telephone on May 9, 2024:



The Honorable William E. Fitzpatrick
United States Magistrate Judge
Alexandria, Virginia